IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

Crl.MC.No. 4099 of 2006()

CRMP.5648/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM
CRIME NO. 1066/2006 OF CENTRAL POLICE STATION, ERNAKULAM

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PETITIONER: PETITIONERS:

SOBHA JOHN, AGED 36 YEARS,
CHERNNUNINNATHIL HOUSE, KARUKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS: RESPONDENT:

STATE OF KERALA,
REP. BY STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA, REP. BY
CIRCLE INSPECTOR OF POLICE, CENTRAL POLICE STATION
ERNAKULAM.

BY D.G.P. SRI. P.G. THAMPI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4099 of 2006

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Dated this the 1st day of January, 2007

O R D E R

The petitioner, a woman, faces allegations, inter alia, under Sections 120B, 365 and 395 I.P.C. Two mobile phones with sim cards were allegedly seized from the possession of the petitioner. They are in the custody of the police. The petitioner filed application for release of the mobile phones and sim cards to her. The learned Magistrate, holding that the said phones were used to commit conspiracy, refused to return the articles to the petitioner as per Annex.I order. The petitioner claims to be aggrieved by the said order. The learned counsel for the petitioner submits that the mobile phones are necessary for the petitioner and that there is absolutely no justification in the prayer to retain the articles in the custody of the police/court.

2. Notice was given. The learned Director General of Prosecutions appears for the respondent. The learned D.G.P. submits that the State has no objection in the articles being released to the petitioner, subject to appropriate conditions. He submits that

necessary investigation in respect of these articles have been conducted and the requisite evidence has been collected. In these circumstances the State has no objection in the articles being released to the petitioner, subject to the condition that she must produce the same as and when directed by the court without in any way tampering with the same. In the absence of any objection from the learned D.G.P., I am satisfied that the said request can be allowed subject, of course, to appropriate conditions.

3. In the result:

(a) This Crl.M.C. is allowed.

(b) The mobile phones and sim cards shall be returned to the petitioner, on condition that she executes a bond for Rs. 2 Lakhs with two solvent sureties each for the like sum undertaking to produce them before the Court as and when directed without any tampering.

(R. BASANT)
Judge

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